IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1920 OF 2005

Ibrahim Adam Patel ...Petitioner
Vs.
The State of Maharashtra & Anr. ...Respondents

Mrs. Sulbha A. Dhamle for the Petitioner.
Ms M.H. Mhatre, A.P.P. for the State.

CORAM : A. S. OKA, J.
DATE : AUGUST 29, 2005.

P.C.:

1. Heard learned Advocate appearing for the Petitioner and the learned A.P.P. for the State. It is not in dispute that the order impugned dated 25th July, 2005 is an appealable order.

2. The learned Advocate for the Petitioner submitted that though the Petitioner has not exhausted the remedy of an Appeal, this Court can always entertain the Petition under Article 227 of the Constitution of India. There cannot be a dispute about the said proposition. However, the remedy under Article 227 of the Constitution of India is an extra-ordinary remedy and this is not the case where Petition can be entertained when the Petitioner has not exhausted the remedy of an Appeal.

3. Hence, Petition is disposed of by permitting the Petitioner to prefer Appeal against the impugned order. If Appeal is preferred by the Petitioner within a period of ten days from today, the same shall

be decided as expeditiously as possible and within a period of four weeks from the date of presentation of Appeal.

4. Parties to act upon an authenticated copy of this order.

JUDGE